

## **REMARKS**

Claims 8, 9, 10 and 12 have been amended to further clarify the present invention. Support for the claim amendments can be found at FIG. 11 of the present invention, for example.

Claims 8-10, 12-15 and 18 are currently pending and under consideration. Reconsideration is respectfully requested.

**I. REJECTION OF CLAIMS 8-10, 12-15 AND 18 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER KAMINSKY (U.S. PATENT PUBLICATION NO. 2001/0047308) IN VIEW OF LANGE (U.S. PATENT NO. 6,321,212):**

Neither Kaminsky nor Lange, individually or combined, disclose "receiving a discount price transition table from a server via a network, said discount price transition table indicates dates and discount prices, wherein the dates include at least one date after a current date, and each discount price corresponds to each date, such that the dates extend over a plurality of days and are displayed on the discount price transition table to be viewed by a purchaser," as recited in amended claim 8, for example.

At pages 3-4 of the Office Action, the Examiner admits that Kaminsky fails to disclose the Applicants "discount price transition table" as recited in amended claim 8, for example, and "making a purchase reservation to the server via a network, the purchase reservation specifying a future date and a desired purchase price, among the dates indicated in the received discount price transition table," as also recited in claim 8, for example.

However, the Examiner asserts that it would be obvious to include the Applicants "discount price transition table" in Kaminsky. The Applicants respectfully disagree with the Examiner and traverse the Examiner's assertion of obviousness. It would not be obvious to include the Applicants "discount price transition table" as recited in claim 8, for example, in Kaminsky. As pointed out by the Examiner, Kaminsky merely discloses a dynamic pricing marketing and selling system having a plurality of pricing schemes, which allow customers to bid on products. For example, one pricing scheme permits the buyers to request an immediate purchase at an immediate purchase price and another pricing scheme permits the buyer to request a deferred purchase at a deferred purchase price (see paragraph [0021]). In the immediate price strategy, the user can purchase a product by placing an open order (see FIG. 4). That is, the user can view a retail price, a current price and a time and date at which an offer of

sale for a particular item ends and whether the price is trending up or down as shown in FIG. 3, for example, or the user may seek a purchase price lower than the current price, and the user places an open order and awaits the results of the shifts in the price trend, when the pricing trend shifts to the price submitted in the open order, the open order is filled (see paragraph [0036]). Although, Kaminsky discloses “rules” set up by a seller (see paragraphs [0049] – [0050]); these rules are not displayed in the form of a table and viewable to a purchaser so that the purchaser can make a purchase reservation. In Kaminsky, the purchaser merely views a current price for the particular item and a corresponding offer end date (see FIGS. 3 and 4).

Lange fails to make up for the deficiencies of Kaminsky. Again, Lange discloses methods and systems for trading and investing in groups of demand-based adjustable-return contingent claims, and for establishing markets and exchanges for such claims. The Examiner continues to assert that column 3, lines 36-50 of Lange disclose “making a purchase reservation to the server via a network, the purchase reservation specifying a future date and a desired purchase price, among the dates indicated in the received discount price transition table,” as recited in claim 8, for example. However, the Applicants respectfully disagree. Here, Lange is discloses a call option on a stock which gives a holder the right to buy the stock at some future date at a fixed strike price which varies directly with the price of the underlying stock. When the purchaser of the stock makes a call option, the purchaser is setting a fixed strike price which is **higher** than that of the current price. Also, as mentioned above, Lange fails to disclose “receiving a discount price transition table from a server via a network, said discount price transition table indicates dates and discount prices, wherein the dates include at least one date after a current date, and each discount price corresponds to each date, such that the dates extend over a plurality of days and are displayed on the discount price transition table to be viewed by a purchaser,” as recited in claim 8, for example. That is, Lange fails to make up for the deficiencies of Kaminsky.

Further, the suggestion to combine the references must not require substantial reconstruction or redesign of the references to arrive at the claimed invention (*In re Ratti*, 270 F. 2d 810, 123 USPQ 349 (C.C.P.A. 1959)). This would include the changing of basic principles under which both Kaminsky and Lange were designed to operate. In addition, to say that it would be obvious to one skilled in the art to combine Kaminsky and Lange to disclose the features as recited in claim 8 of the present invention, for example, would be impermissible hindsight.

Although the above comments are specifically directed to claim 8, it is respectfully submitted that the comments would be helpful in understanding differences of various other rejected claims over the cited references.

The Applicants respectfully submit that the teachings of Lange are fundamentally different from that of both Kaminsky and the present invention. Therefore, there is no motivation to combine these references. The combination of these references fails to establish a prima facie case of obviousness over the present invention.

Therefore, it is respectfully submitted that the rejection is overcome.

## II. CONCLUSION:

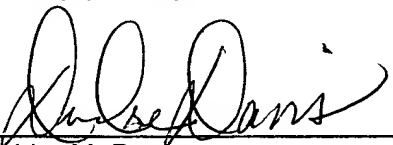
In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11/27/2006

By:   
Deidre M. Davis  
Registration No. 52,797

1201 New York Ave, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501